

immobilized. What the colons were and how they came into existence has been much disputed. They were immobilized peasants. We find them an object of legislation in the *codex Theodosianus* in the fourth century. They were personally free (they could marry, own property, could not be sold), but they were bound to the soil by birth and passed with it. They cultivated the land of a lord, and paid part of the crops or money.<sup>1</sup> Marquardt thinks that they arose from barbarians quartered in the Roman empire.<sup>2</sup> Heisterbergk<sup>3</sup> thinks that there are three possible sources, between which he does not decide, — impoverished freemen, emancipated slaves, barbarian prisoners. Wallbn<sup>4</sup> ascribes the colonate to the administration. As society degenerated it became harder and harder to get the revenue, and the state adopted administrative measures to get the property of any one who had any. This system impoverished everybody. To carry it out it was necessary to immobilize everybody, to force each one to accept the conditions of his birth as a status from which he could not escape. What made the colonate, then, was misery.<sup>5</sup> Emancipated slaves and impoverished peasants met in the class of colons, in state servitude. The proprietors were only farmers for the state. The tribute was the due of the state. Laborers were enrolled in the census and held for the state. The interest of the *fiscus* held the colon to the soil.<sup>6</sup> The words " colon " and " slave " are used interchangeably in the *codex Justinianus*.

298. Depopulation. The depopulation of Italy under the empire is amply proved. Vespasian moved population from Umbria and the Sabine territory to the plain of Rome.<sup>7</sup> Marcus

Aurelius established the Marcomanni in Italy.<sup>8</sup>  
 Pertinax offered  
 land in Italy and the provinces to any one who  
 would cultivate  
 it.<sup>9</sup> Aelian tried to get land occupied.<sup>10</sup> He sent  
 barbarians  
 to settle in Tuscany.<sup>11</sup> As time went on more and  
 more land

<sup>1</sup> Marquardt, *Rom. Staatsverwaltung* II, 233. <sup>6</sup> *Ibid.*, 308.

<sup>2</sup> *Ibid.* 234.

<sup>7</sup> Suetonius, *Vespas.*, I.

<sup>3</sup> *Entstehung des Colonats* n.  
 22.

<sup>8</sup> Jul. Capitol., *M. Aurel.*,

\* *L'Esclavage* III, 282.  
 12.

<sup>9</sup> Herodianus, II, 4, sec.

& *Md.* 313.

<sup>10</sup> *Cod. Just.*, XI,

<sup>11</sup> Vopisc., *Aurelianus* 48.